

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDY BRINK,

Plaintiff,

Case No. 1:12-cv-00313

v.

Honorable Janet T. Neff

UNKNOWN PART(Y)(IES),

Defendants.

REPORT AND RECOMMENDATION

This is an action brought by Plaintiff Randy Brink. On April 12, 2012, the Court entered an order of deficiency (docket #6) because Plaintiff had failed to pay the \$350.00 civil action filing fee or to file the required documents to apply to proceed *in forma pauperis* as required by 28 U.S.C. § 1915(a)(1) to apply to proceed *in forma pauperis*. The Court allowed 28 days for Plaintiff to comply. Plaintiff was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis*, assess the entire filing fee, and dismiss his case for want of prosecution.

More than 28 days have elapsed. Plaintiff failed to pay the \$350.00 civil action filing fee or to submit the requisite documents to apply to proceed *in forma pauperis*. Because Plaintiff has wholly failed to comply with the Court's order, the undersigned recommends that the Court

issue a judgment dismissing the case without prejudice for lack of prosecution. *See In re Alea*, 286 F.3d 378, 380-81 (6th Cir. 2002); *McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997).

Respectfully submitted,

Date: May 31, 2012

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).